

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WALTER BECK CORPORATION d/b/a THE )  
RAINBOW INN, )  
 )  
 )  
Plaintiff, )  
 )  
vs. ) JUDGE MAURICE B. COHILL, JR.  
 )  
 )  
SAFECO CORPORATION, AMERICAN )  
ECONOMY INSURANCE COMPANY, and )  
 )  
AMERICAN STATES INSURANCE )  
COMPANY, )  
 )  
 )  
 )  
Defendants. )

CIVIL DIVISION

Civil Action No. 04-348 - Erie

**ELECTRONICALLY FILED**

**JOINT MOTION TO EXTEND  
DISCOVERY DEADLINE AND AMEND CASE MANAGEMENT ORDER**

Plaintiff and Defendants, by their undersigned counsel, hereby move to amend the Case Management Order to enlarge the time for discovery and to extend the current pretrial deadlines. In support thereof, Plaintiff and Defendants aver as follows:

1. This case involves a dispute regarding insurance coverage for Plaintiff's business, which was destroyed by a fire.
2. On December 14, 2005, upon Joint Motion of the parties, this Court amended its Case Management Order extending the certain pretrial deadlines to the following: Discovery deadline of June 2, 2006; Motions filed no later than July 7, 2006; Responses to motions due no later than July 28, 2006; Plaintiff's Pretrial Statement due no later than August 4, 2006; and case shall be called for trial in Late fall, 2006. All other terms and conditions of the Case Management Order dated June 8, 2005 remained in full force and effect. See Dkt. No. 16.
3. Relevant written discovery has been substantially completed such that the parties are prepared to engage in depositions.

4. Plaintiff is continuing its investigation of the loss and of relevant third-party witnesses with knowledge of the facts specific to the coverage issues present in this action.

5. The Defendants have noticed two depositions likely involving deponents located in Florida. The Plaintiff has noticed the deposition of each of the three corporate Defendants as well as two specifically identified individual employees of the Defendants. Additionally, depending upon the course of the depositions already noticed, the Defendant may require additional depositions, including those of third-parties regarding certain insurance coverage and damage issues.

6. Further, in the interest of efficiency and keeping the parties' costs and expenses at a minimum, the parties have agreed to and intend to attempt to reach a settlement of this matter prior to engaging in further discovery.

7. Due to counsels' trial schedules and the schedules of the deponents, some of whom are located in Florida, the parties have been unable to arrive at mutually agreeable deposition dates prior to the close of discovery on June 2, 2006. However, counsel believe that they will be able set deposition dates thereafter.

8. Given the schedules of the parties and their counsel, and the inherent uncertainty associated with attempting to coordinate and take third-party discovery, it is anticipated that an extension of the current discovery and pretrial deadlines of approximately three months is needed in order for the parties to effectively pursue a settlement of and discovery in this matter, and/or otherwise defend and prosecute this matter.

9. Thus, the parties request that this Court's amend the Case Management Order as set forth in the proposed order.

WHEREFORE, Plaintiff and Defendants respectfully request that this Court enter an Order in the form attached hereto.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN

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